

identically disclosed or described in the prior art. Thus the reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Applicant submits that Catona fails to teach all of the limitations of claims. Specifically, Catona fails to teach an MMS server that records the karaoke performance. The Examiner maintains that the User Tracks Database 20 allegedly teaches the claimed MMS server. Then, the Examiner alleges that the karaoke performance is recorded in the User Tracks Database 20 (alleged MMS server) as shown in Fig. 3 of Catona. *See Office Action of May 6, 2003.* However, the Examiner's allegation is contrary to the teachings of Catona. For example, Fig. 3 of Catona explicitly states at step 56 that the vocal track of the user is recorded in the client (i.e. user's) computer. Additionally, as shown in Figs. 2 and 5, the recording of the karaoke performance is recorded on the user's computer. In other words, the karaoke performance is not recorded by the User Tracks Database 20 (alleged MMS server) but instead is recorded by the user's computer. Thus, Catona fails to teach an MMS server that records the karaoke performance.

Additionally, as shown in Figs. 2 and 5, Catona fails to teach recording the karaoke performance as an MMS message. The user's computer 102 records the user's performance as an audio file. First, the user's computer of Catona is not an MMS server. Second, this recorded performance (audio file) is subsequently mixed with the song (audio file) and stored in the User Tracks Database 20 as an audio file. However, the present invention records the performance in real time by recording the karaoke performance (song + user voice + song words) directly as an MMS message. Furthermore, since the karaoke performance is recorded as an MMS message in real time, the MMS server of the claimed invention has the ability to prevent recording distortion caused by feedback from the played song. However, since Catona teaches downloading the

entire song onto the user's computer before performing the karaoke performance, and since the karaoke performance is recorded by the same user computer, no such recording distortion is created and thus the server of Catona does not have the ability to prevent such recording distortion. Thus, since Catona fails to teach an MMS server and since Catona only teaches recording the karaoke performance as an audio file, Catona fails to teach recording the karaoke performance as an MMS message.

In view of the above remarks, Applicant submits that all of the limitations of claims 1-13, 15, 18, 20-25, 27, 30, 31 and 33-39 are not taught by Catona. Accordingly, Applicant requests that the rejections of claims 1-13, 15, 18, 20-25, 27, 30, 31 and 33-39 under 35 U.S.C. § 102 be reconsidered and withdrawn.

II. Claim Rejections under 35 U.S.C. § 103

Claims 14, 16, 19, 20, 26, 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Catona in view of Lewis (U.S. Patent No. 5,564,001). Since claims 14, 16, 19, 20, 26, 28 and 29 depend upon independent claims 1 and 20, and since Lewis does not cure the deficient teachings of Catona with respect to independent claims 1 and 20, we believe that claims 14, 16, 19, 20, 26, 28 and 29 are patentable at least by virtue of their dependency from independent claims 1 and 20.

Claims 17, 32 and 40-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Catona. Since claims 17, 32 and 40-42 depend from independent claims 1, 20 and 35, and since the Catona reference does not disclose all of the limitations of independent claims 1, 20 and 35 as discussed above, we believe that claims 17, 32 and 40-42 are patentable at least by virtue of their dependency from independent claims 1, 20 and 35.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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